

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:03-CR-200-GCM-CH-2**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOLLIETT KELLY , JR.

Defendant.

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ORDER

THIS MATTER is before the Court upon Defendant's Motion for Request of Transcript of Prior Proceedings filed on January 25, 2010. For the reasons stated below, Defendant's Motion is DENIED.

The Court takes notice from the docket that Defendant's case is closed and there is nothing pending before the Court. Further, this Court denied and dismissed Defendant's Motion to Vacate pursuant to 28 U.S.C. §2255 on December 20, 2007. Thereafter, his appeal of that decision to the United States Court of Appeals for the Fourth Circuit was denied on December 28, 2009. In order for the Defendant to bring a successive Motion to Vacate pursuant to 28 U.S.C. §2255 he must receive permission from the Fourth Circuit. As he has not done so, his Motion for Request of Transcript of Prior Proceedings is denied to the extent that he is requesting the transcripts in order to file a second Motion to Vacate. SO ORDERED.

Signed: January 25, 2010



Graham C. Mullen
United States District Judge

